

From: Stephen Putman
To: Microsoft ATR
Date: 12/14/01 12:29pm
Subject: Microsoft Settlement

Dear Ms. Hesse -

I wish to take advantage of the Tunney Act public comment period to express my sincere disappointment with the settlement reached between the Department of Justice and Microsoft Corporation in the antitrust matter currently being litigated.

I am a Senior Consultant with a major software company, frequently implementing solutions using Microsoft software. I also possess a Bachelor of Science degree in Economics with a concentration in Antitrust Policy. With this combination of experience, I have been following the progress of this case with great interest.

Microsoft has shown all of the classic behavior traits of an abusive monopolist throughout its corporate history. They have routinely intimidated competitors, kept prices artificially high in relation to other portions of the computer industry, and restricted innovation in the overall computer industry. They also do not have the incentive to correct major design flaws in their products because of lack of competition brought on by their monopoly position. This results in a computer industry that frustrates most people who use the machines. I spend a good portion of my days explaining problems inherent in their systems and often times having no good answers.

During the course of the current litigation, the behavior of Microsoft was proven to be anti-competitive. Even though the original remedy for their transgressions was overturned on appeal, the fundamental finding of monopoly power was not. The settlement that you have reached does not address this basic fact, based on antitrust precedent. In my mind, the best examples of proper remedies in a case like this are the Standard Oil case in the early 1900s and the ATT case of 1984. In both cases, the abusive monopolist was split into multiple entities, and the result was more competition, better products, and lower prices for consumers. This settlement does not achieve anything close to this, which means the status quo is maintained, to the detriment of everyone concerned save one party Microsoft.

Microsoft has made the argument that any remedy in addition to your settlement would be inefficient economically. In this, I agree. Additional items of remedy would make my occupation more difficult in the short run because integration of disparate software products is inherently difficult in the current evolutionary state of the computer software industry. However, the currently proposed settlement does not adequately address the proven behavior of the company, nor ensure that this behavior would not reoccur. One can only hope that Judge Kollar-Kotelly will see this and rule appropriately, which would include harsher penalties than you have proposed.

I cannot help but think that the current political environment has contributed to the Departments desire to settle this matter in the way it has chosen to do so. It is quite unfortunate that the Department of Justice cannot rise above political expedience and pursue this matter to its logical conclusion, protecting the interests of the public at large instead of the interests of a major corporation. But, based on the actions of the Department in other areas recently, I cannot say I am surprised. I fully expect this criticism to be sent to the electronic trash bin, after my name is added to the Departments Treason list for speaking out against your performance in this matter.

Sincerely,

Stephen J. Putman
Antelope, CA

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